IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

CRP.No. 1587 of 2002()

EL.OP.685/1999 of ADDL. DISTRICT COURT, THALASSERY
.....

REVN. PETITIONER: RESPONDENT

K.S.E.BOARD, VAIDYUTHI BHAVANAM,
THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.

BY ADV. SRI.KODOTH SREEDHARAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENTS: PETITIONERS
----

1. **KUNNATH YESODA, W/O.KOTTAN KUNHI,**
AGED 57 YEARS.

2. **KAMALAKSHAN, S/O.YESODA, AGED 39 YEARS.**

3. **KANNAN, S/O.YESODA, AGED 35 YEARS.**

4. **RAMANAN, S/O.YESODA, AGED 33 YEARS.**

5. **VANAJA, D/O.YESODA, AGED 31 YEARS**

(ALL RESIDING IN PERUMTHATTA AMSOM THAVIDISSERI DESOM ARAVANCHAL P.O., THALIPARAMBA)

BY ADV. SRI.GRASHIOUS KURIAKOSE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

C.R.P. NO. 1587 OF 2002

= = = = = = = = = = = = = = =

Dated this the 17th day of December, 2007.

O R D E R

This revision petition is preferred against the order of the Addl. District Judge, Thalassery in O.P.685/99 whereby the Court has awarded a compensation of Rs.87,191 with interest at 8% per annum on Rs.60,900/-. A perusal of the award would reveal that the Court has relied upon the decision of this Court in ***Kumba Amma v. K.S.E.B. (2000 (1) KLT 542)*** and fixed the annuity factor at 5%. The Court has fixed the market value at Rs.1,500/- per cent and had awarded the compensation. The learned counsel for the revision petitioner would submit that in the light of the decision reported in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***) the facts and circumstances of each case is to be considered before awarding compensation. He had relied upon the following passage of the said decision which is as follows:

> "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to

whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case."

2. In the light of the said decision I feel the matter requires further consideration at the hands of the Addl. District Judge. Therefore, the order under challenge is set aside and the matter is remitted back to the Court below for fresh disposal after permitting both sides to adduce both documentary and oral evidence in support of their respective contentions. The parties are directed to appear before the Court below on 25.1.2008.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-

M.N. KRISHNAN, J.

= = = = = = = = = = =

C.R.P. No. 1587 OF 2002

= = = = = = = = = = = =

O R D E R

17th December, 2007.